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March 31, 2009

File Number: PG/10-1

Honourable Kevin Krueger
Minister of Community Development
PO Box 9056 STN PROV GOVT
Victoria BC V8W 9E2

Murray Coell
MLA, Saanich North and the Islands
Suite F, 2421 Beacon Avenue
Sidney, BC V8L 1X4

Dear Minister Krueger and MLA Coell:

Re: Private Managed Forest Land Act

I am writing on behalf of the Islands Trust Council and its Executive Committee concerning the *Private Managed Forest Land Act* and its collision with the Object of the *Islands Trust Act*. In particular, Section 24 of the *Islands Trust Act* indicates that local trust committees are responsible for regulating the development and use of land in their local trust area to preserve and protect the unique amenities and environment. However, Section 21 of the *Private Managed Forest Land Act* restricts a local trust committee's ability to carry out its responsibilities on private managed forest land.

On March 11, 2009 the Islands Trust Council passed the following resolution:

- *That the Islands Trust Council directs the Executive Committee to explore with the appropriate provincial government ministries options for the exemption of Galiano Island from Section 21 of the Private Managed Forest Land Act; and for clarity, the purpose of the Executive Committee's request is to help achieve effective solutions for the unique circumstances on Galiano Island.*

For many years, a dispute over land use issues has deeply divided the Galiano Island community. The collision of the Acts previously cited has exacerbated this situation. The Islands Trust Council, its Executive Committee, the Galiano Island Local Trust Committee and the community at large desire a resolution. We sincerely hope to work in partnership with you and your government to find a solution in the interest of all concerned.

The prospect of harmonizing the conflicting legislation is intriguing. The Galiano Island Local Trust Committee has commenced a review of its Official Community Plan. This review will engage all elements of the community in pursuit of an historic compromise on zoning and land use issues. Without the harmonization of the two Acts, it may be difficult to address all the issues on the complete landscape of the island. For example, although the local trust committee is not seeking to regulate forestry operations, it is not possible under the current legislation to protect watersheds and endangered ecosystems on private managed forest land using Development Permits under Section 919 of the *Local Government Act*. It may be possible, however for the Province to design a cooperative approach where the local trust committee can protect sensitive ecosystems and watersheds on the entire island as the *Islands Trust Act* requires, while owners of private managed forest land can continue to realize the tax advantages of the *Private Managed Forest Land Act*.

Preserving **Island** communities, culture and environment


Bowen Denman Hornby Gabriola Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

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It is for these reasons we support an initiative to determine if a regulation under Section 42 of the *Private Managed Forest Land Act* (such as exclusion of Galiano Island from Section 21 of the *Private Managed Forest Land Act*) or some other mechanism could create a harmonized regime for Galiano Island, achieving the objectives of both the *Islands Trust Act* and *Private Managed Forest Land Act*. Such an initiative would be an important project aimed at ending nearly two decades of uncertainty and frustration.

We would fully support any provincial efforts in this regard and we look forward to working co-operatively with you to achieve a solution that works for all.

Yours sincerely,



Sheila Malcolmson
Chair, Islands Trust Council

pc: Islands Trust Council
Islands Trust Executive Committee
Galiano Island Local Trust Committee
Dale Wall, Deputy Minister, Ministry of Community Development
Linda Adams, Chief Administrative Officer, Islands Trust